

FILED

NOV - 9 2017

Clerk, U.S. District Court
Texas Eastern

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

ARONGKRON a/k/a "PAUL" MALASUKUM §

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No. 4:17cr162
Mazzant

FACTUAL STATEMENT

Introduction

The United States Attorney for the Eastern District of Texas and the Environmental Crimes Section of the United States Department of Justice (collectively referred to as the "Government") and the defendant, Arongkron a/k/a/ "Paul" Malasukum ("Malasukum") agree that this Joint Factual Statement is true and accurate. The parties further agree that this Joint Factual Statement provides a sufficient factual basis for the Court to accept Malasukum's guilty plea in the above-captioned matter to violating the Lacey Act's wildlife trafficking provision, in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B). Malasukum agrees that, had this matter proceeded to trial, the Government would have proven, beyond a reasonable doubt, the Information filed in the above-referenced matter and the facts contained in this Factual Statement.

This Factual Statement contains a jointly agreed upon statement of the facts, relevant conduct, and stipulations in support of the Plea Agreement signed and dated this same day between the Government and Malasukum.

Overview of Malasukum's Wildlife Trafficking

Beginning as early as April 9, 2015, and continuing until June 29, 2016, Malasukum was in the business of purchasing parts from endangered and protected wildlife, primarily skulls, teeth, and claws from African lions, tigers, and leopards. As part of his business, Malasukum would purchase the wildlife from locations throughout the United States and either personally ship the items back to his residence in New York, or, if he did not personally pick-up the wildlife

from the seller, pay for someone to ship it to his residence.¹ Once he received the wildlife at his residence in New York, Malasukum removed the teeth from the skulls and the claws from the pads, so that jewelry could be made from the parts. Knowing that it was illegal to export the parts, Malasukum then packaged the parts, falsely labeling the packages as “ceramics” or “toys,” to avoid detection by U.S. and Thai authorities. Malasukum then exported those parts to Thailand without making the proper declarations to the United States Fish and Wildlife Service (“USFWS”).

The Charged Conduct

On or about April 6, 2016, Malasukum had a telephone conversation with a USFWS Special Agent who was working in an undercover capacity. During this and subsequent conversations that occurred on later dates, Malasukum asked the agent to assist in the illegal purchase of parts from endangered African lions (*Panthera leo*) and tigers (*Panthera tigris*), specifically skulls that were being sold at auction in Fort Worth, Texas. Malasukum also agreed to purchase a tiger (*Panthera tigris*) skull from a USFWS Special Agent, knowing this was a violation of the Endangered Species Act. During the conversation, Malasukum requested that the agent act as a “straw buyer” to purchase the skulls. Malasukum stated he was not permitted to purchase the skulls at the auction in Texas, because he was not a resident of Texas, and that the agent, who Malasukum knew resided in Texas, could legally purchase the skulls. Malasukum then explained to the agent that he intended to ship the skulls from Texas to his residence in New York after they were purchased. Malasukum stated that he has used “FE,” a national shipping company, to ship wildlife to his residence in New York, because they are rarely detected by law enforcement.

On April 21, 2016, Malasukum met with two USFWS Special Agents at a hotel room in Lewisville, Texas. During that meeting Malasukum purchased a tiger skull from the Agents for \$700. On that same afternoon, while accompanied by an undercover Special Agent, Malasukum shipped the tiger skull from Lewisville, Texas to New York.

On April 22, 2016, the Special Agents, accompanied by Malasukum, attended the wildlife auction as previously outlined. During this auction, Malasukum instructed the Special Agent which items to purchase, including animal species listed as Endangered, which Malasukum knew he could not legally purchase. Malasukum communicated discreetly with the Special Agent, using text messaging, phone calls, and meeting outside the auction venue. This was done as the auctioneer was aware Malasukum was not a resident of Texas and his purchase of endangered wildlife was prohibited. Malasukum provided money to the Special Agent to pay for the items, which amounted to \$1,735. Later that day, Malasukum shipped a second package containing African lion parts from Lewisville, Texas to New York.

On or about and between April 29, 2016 and May 25, 2016, after returning to New York,

¹ Endangered wildlife may legally be sold and purchased in an intra-state sale, i.e., between residents of the same state.

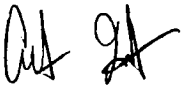
Malasukum retrieved the packages containing the skulls, he had shipped from Texas to New York, and in four separate packages and on four separate dates, shipped the skulls to Thailand for sale to a wholesale buyer. The packages were shipped on April 29, 2016, May 11, 2016, May 12, 2016 and May 25, 2016. All four of these packages were undeclared to the USFWS and were falsely labeled as “dog toys” and “home decorations” on the U.S. Customs form affixed to the packages.

Malasukum’s Other Wildlife Trafficking

Between April 9, 2015 and June 29, 2016, Malasukum illegally purchased and exported approximately 68 packages containing skulls, claws and parts from endangered and protected species, with a total fair market value in excess of \$150,000.

I have reviewed this Factual Statement with my attorney, Denise Benson, Esq. It has been translated for me into Thai and I understand it. My attorney and I have discussed it. I agree that it is a true and correct statement of facts.

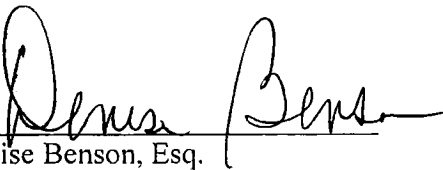
AGREED AND ACCEPTED:



Arongkron Malasukum

9/2/17
Date

I have discussed with my client this Factual Statement. I agree that it is a true and correct statement of facts and that it forms a sufficient factual basis for the Information to which my client is pleading guilty. The Factual Statement has been translated into Thai for my client and he understands it.



Denise Benson, Esq.
Assistant Federal Defender

9/6/17
Date